

**MINUTES OF THE  
MEETING OF THE  
BOARD OF ADJUSTMENTS OF  
GARDEN CITY, UTAH**

The Garden City Board of Adjustments held a meeting on August 11, 2015 at the Garden City Pineview room, located at 69 N. Paradise Parkway, Bldg B. Board Chairman Hislop opened the meeting at 5:30 p.m.

Board Members present:

Mark Hislop, Chairman  
Clint England  
By Telecommunication: Jennifer Casillas

Others Present:

Tamalyn E. Calder  
Kathy Hislop  
Lance Bourne  
Riley Argyle  
Burt Carlisle  
Andrea Davis  
James Larsen  
Bruce Larsen

**Roll Call**

Chairman Hislop asked for a roll call of the Members present: Chairman Hislop, Board Member England, and Board Member Casillas (by telecommunication).

Variance request by Andrea Davis (owner) and Burt Carlisle (contractor) for need of a separate water meter for a new building and the impact fee associated with it.

Burt Carlisle opened by saying that first of all he brought the plans into the city to get approved and was issued a building permit. Since then he has worked real close with the commercial building inspector and ask many questions to make sure he did everything correct as well as where the sewer ran and the water hooks up. Everything was approved and I have his signature (building inspector) approving where I hooked it up and ran it and buried it. After that Steve Hamblin contacted us and said there might be a problem concerning an impact fee and an extra meter we might have to have for that building. That was the first we had heard about any city ordinance requiring a separate meter for this bathroom in this warehouse. And now we can't even get a permit to bore under the road to get to the city water.

Chairman Hislop asked Mr. Carlisle if he had made application to the state and received a denial letter. Mr. Carlisle replied no, that he was informed by someone that would know that they won't issue a permit during the summer up here to bore under the road. He also stated that the other thing is no one has ever told us what the impact fee is or how much a water meter would be to put in so we don't know those costs. The bathroom was something that was nice, but that if it was going to cost a lot, we weren't going to do it. So as we submitted the plans and nothing came back that is was going to cost

any more or change anything that we could see we chose to put it in. If there was a big impact fee, she simply would have said to not put it in.

Chairman Hislop asked if he had paid for a water or sewer hook-up for this building. Mr. Carlisle answered no, because every permit I have been issued, that fee has been included in the building permit. And we are informed of every cost that we should incur when building. And in fact, we usually have to give you a copy that we have paid for the meter before you issue the permit.

Lance Bourne (Chairman of Planning and Zoning for the Town of Garden City) said that he is just here to observe, but that he doesn't know if this has to come before P&Z since they don't normally do garages. Stated that we did do Zips, but did not do Bryan Burrs, so maybe we need to take a look at our ordinance and change some of this. It took me by surprise that to tear down a garage and put up a new one that it would have to come before P&Z. Chairman Hislop said that he was not sure it is just a garage. Mr. Carlisle stated it is considered a warehouse because of its size and use. The exact use is a warehouse for props and costumes and the wood work things needed to build the props.

Chairman Hislop ask James Larsen if he had any comment and he said he just wants to figure this out calmly. Andrea Davis was asked the same thing and said she just hopes it all works out. Bruce Larsen stated that he had received a letter saying if there was any opposition, come talk to us. Said he does not object to it and thinks it is appropriate to get the variance. They went through the process of getting the plans approved and then at the last minute they say you cannot occupy unless you pay huge impact fees and get a separate water meter. Chairman Hislop said that he didn't think they were told they could not occupy, just that they could not get water up to the bathroom. Burt Carlisle said that actually the statement was brought to my attention that there would be no occupancy granted to us until this was resolved from Steve Hamblin who has now resigned but is continuing to finish this building. So we are under the impression that there will not be an occupancy with or without water.

Board Member England suggested we should read over the ordinance so it is on record. (13A-100-water-S) Separate Meters. Every structure, house, or building in which a business is carried on, or a residence maintained, using water from the Town system, must have a separate and individual water connection and water meter.

Mr. Carlisle said this building is not used for any commercial services of any kind except to store props and stuff used by the separate commercial building. So that should exempt this building from it based on the first few lines. Board Member England reread the first of the ordinance. Burt Carlisle was concerned about the part where residence is carried on or business is carried through that is using water, saying that this is neither one. This building is using water from the town system but there is no occupancy and there is no business going through it. There is no business going through it and there never will be. Board Member England reiterated that that is the sticky part. How do we know there will never be? Burt Carlisle stated if that ever happens you can't persecute someone for something they are not doing or may do.

Board Member England said that as precedent, just a month ago, Zipz put an extra building behind their original structure for storage and 2 restrooms. No business is run through there.

Mr. Larsen said that this building is substantially off the road - you can't put a restaurant or normal business back there. Only thing it can be is the storage of the props and the scenery. And that is the promise we make to you that it is not going to happen. That is the only reason I built it. That is the only

reason. Mr. Carlisle added: And let's put that in stipulations. That it cannot be grandfathered in. And put it in writing with this variance. It is literally one bathroom. Chairman Hislop asked so what happens when you don't want to do business but you want to house employees in there? Mr. Carlisle said let's put that in there, too because she has no intention to do that. And so at that point since we can't see the future, if that happens, they have to come in and submit a complete new thing, and at that point we will know that the impact fee and meter fee is part of it.

Riley Argyle (Director of Public Works) said that this would be different if it was two separate lots - this is one lot. Chairman Hislop replied that Zipz is one lot. Board Member England asked what will keep these guys from splitting? Riley Argyle said that doing a lot split requires building both lots up to code. Board Member England said that there was another option, and we gave this to Zipz, is to make it one structure and connect these two buildings. Mr. Carlisle said that that was originally the plan, but the old building is not up to current code. Board Member Casillas said that we need to stick to what we have been doing with Zipz and everyone else. Not to be mean, but we do have an ordinance and that is what it states. Board Member England agreed that he read it different, and it is a different building. Burt Carlisle disagreed saying that it is not being used for housing or commercial use. The public has no access to it. It is literally a ware house. And if you read that paragraph very carefully, that paragraph right there exempts that building from needing a water meter.

Mr. Larsen said that in the beginning they weren't even going to put water in there at all. When they submitted the plans, they weren't going to put a bathroom in there. Then they decided to add and make it handicap accessible and the plans were still approved all along the way. We promise there is nothing else going in there at any time. Pickleville brings in lots of money to this town. This warehouse will help us to do things on site and keep prices down. Lance Bourne added that if Zipz wants to add bathrooms, that is something new and there will be added water use. These guys want to add a bathroom to this building but it is not for the public. Just gives them an option. Riley Argyle informed the group that in order for them to hook on to city water, they have to cut the bike path, bore the highway, go through pressurized irrigation and pressurized sewer lines, fiberlines, and gravity sewer. Not an easy bore. Board Member England said that Zipz would not be either. Mr. Carlisle said that Zipz is used for public. This is not. This building is exempt from that because of the usage.

Chairman Hislop asked for a motion. Board Member England said that he was thinking for a second here.

Burt Carlisle stated that Steve Hamblin is doing a conditional occupancy already where it can be occupied for the stated use of the building and if the use is ever changed it will be a resubmission of plans and the use of the building will change. Board Member England ask if we have that. Mr. Carlisle said no - because the building is not quite completed so we don't have an occupancy. It will cover the city and me as a builder to where if my client Andrea Davis ever changes use of the building, we have to bring in a plan and submit it to P&Z for the new use of the building. Chairman Hislop said that you said in the beginning you could not get an occupancy. Mr. Carlisle said on the condition that this is resolved. Sharlene told me there is no conditional permits issued on this. Permanent occupancy permit conditionally. Kathy Hislop noted that this is normal. Any time there is a change, you have to come in and reapply.

Member Clint England made a motion to deny variance based on precedence and the way the ordinance is written.

Jennifer Casillas seconded the motion. Chairman Hislop remarked majority rules – it is denied. Chairman Hislop said the next thing for you to do is that we do have an appeals board and you should get on their agenda and let them hear it.

Andrea Davis ask if they can just turn a valve off. We don't want a bathroom. I just want to get my costumes out of the high school they are stored in. Mr. Larsen asked how many get to vote. Just 3? Chairman Hislop answered 5. There was only three today so we have a majority. Mr. Carlisle said we were told there would be 4 and 1 on the phone. Chairman Hislop said all we have to have is a quorum and that is 3 . Majority rules.

Chairman Hislop said as far as water – that is between you and Riley and your contractor. Ms. Davis said she just wants to turn the water off so we can get occupancy so I can get my sets back and quit paying storage. Can I do that? Riley Argyle said that they would need to dig it up and cap it. That's what we made the Chevron do. At that point we can issue the permit. Board Member England repeated that this is one that needs to be revisited by P&Z. Burt Carlisle said that it needs to re-word. Chairman Hislop again said that Mr. Carlisle is not reading it correctly. It says every structure, or a house, or a building in which business is being carried out using water from a town system, must have a separate meter. Mr. Carlisle asked if that is saying every single garage that has a separate bathroom has a separate meter on it. Chairman Hislop said he didn't know when ordinance was redone – but at this point yes, they would have to.

Mr. Larsen asked how to apply with the appeals board. Kathy Hislop said to just bring a letter to the city within 30 days. Meetings are held on demand.

Approval of Minutes for this meeting held on August 11, 2015 will be prepared and mailed or emailed to each member of the Board of Adjustments. The Board Members will have 10 days to review the minutes and submit any changes to the clerk. If after two days there are no requested changes, the minutes will stand approved. If there are changes, the process will be followed until all of the changes are made and the Board Members are in agreement. Board Member England made a motion to accept the minutes and Board Member Casillas seconded it. A roll call vote was taken: Board Member England, for and Board Member Casillas, for. All in favor and the motion carried.

No miscellaneous business.

Motion of Adjournment at 5:50 by Board Member England.

APPROVAL:

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Mark Hislop, Chairman

ATTEST:

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Tamalyn E. Calder, Recorder

